

Application No.: 10/624,481

REMARKS

The indication of allowable subject matter in claims 9 and 11 is acknowledged and appreciated. In view of the following remarks, it is respectfully submitted that all claims are in condition for allowance.

Claims 1-8 and 10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lin et al. '380 ("Lin"). This rejection is respectfully traversed for the following reasons.

The Examiner maintains the pending rejection based on the assertion that Lin discloses a development parameter/device identifier for the mobile device 104. That is, the Examiner relies on the development parameter allegedly stored in the mobile device 103 in advance as the claimed key information. However, as disclosed in paragraph [0016] of Lin, the "PKI server creates the development certificate [which] includes the device identifier and the development parameter." That is, the development parameter is created by the PKI server post-manufacture of the mobile device. Moreover, the mobile device itself "creates and stores a hash of the development parameter (338) for use with subsequently loaded versions of the software" (see page 3, paragraph [0017], starting eight lines from the bottom). Accordingly, Lin expressly discloses rewriting the alleged key information. Indeed, as noted in paragraph [0009], Lin is directed specifically to eliminating the need to generate new certificates with every version/build of code to be tested.

In order to clarify this distinction of the present invention over Lin, claim 1 embodies "setting the provided LSI device to a development mode based on an inherent and permanent key information, which is implemented in the unrewritable area of the LSI device in advance." According to one aspect of the present invention, therefore, it can be made possible for the key information to never be changed after implementation. In direct contrast, as noted above, Lin is

Application No.: 10/624,481

specifically designed to update the alleged key information for the expressly disclosed purpose of eliminating the need to generate new certificates. It follows that Lin is completely silent as to an "unrewritable area of the LSI device" arranged in the manner set forth in claim 1.

Moreover, according to another aspect of the present invention, it can be made possible for only an encrypted program to be executed while a raw (binary) program can not be executed when being set to the product operation mode. In contrast, Lin merely discloses transfer of software using signature authentication, but is completely unrelated to installation of software in a system using *encryption*. Lin does not differentiate between raw binary programs and encrypted programs much less in the particular manner which can be embodied by the present application.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scalitech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Lin does not anticipate claims 1, 8 and 10, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as the independent claims are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Application No.: 10/624,481

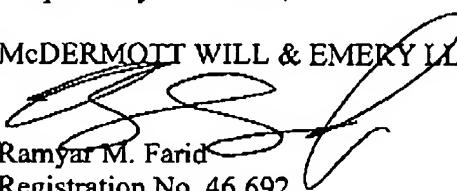
Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Ramyar M. Farid
Registration No. 46,692

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 RMF:MaM
Facsimile: 202.756.8087
Date: January 28, 2009

**Please recognize our Customer No. 53080
as our correspondence address.**